

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

DECEMBER 1, 2010

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***REGULAR & SPECIAL CLOSED SESSION MEETINGS – 5:15 P.M.
REGULAR MEETING – 6:00 P.M.***

CALL TO ORDER

MAYOR JANNEY called the Regular & Special Closed Session Meetings to order at 5:18 p.m.

ROLL CALL

Councilmembers present:	Bragg, McCoy, Rose
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	King

Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

MOTION BY MCCOY, SECOND BY KING, TO ADJOURN TO CLOSED SESSION UNDER:

Pursuant to Government Code Section 54956.8:

Property: 800 Seacoast Drive, Imperial Beach, CA 91932, APN 625-262-01-00

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Imperial Coast LTD Partnership

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

Pursuant to Government Code Section 54956.9(a):

Number of Cases: 1

Case Name: Stackiewicz v. City of Imperial Beach

Case No. 37-2010-00080002-CU-PT-SC

MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER BRAGG announced she had a potential conflict of interest on the first Closed Session item due to the location of her employment and therefore would not participate in the discussion of that item.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:19 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, CITY ATTORNEY LYON stated regarding the pending litigation matter on the Special Meeting agenda, the Council authorized settlement of litigation; the settlement agreement contains the terms of maintenance and control of the plaintiff's animal; on the second closed session item there was no reportable action.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:04 p.m.

ROLL CALL

Councilmembers present:	Bragg, McCoy, Rose
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	King

Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MOTION BY MCCOY, SECOND BY ROSE, TO TAKE ITEM NO. 5.1 AT THE END OF THE AGENDA AND ITEM NO. 6.3 IMMEDIATELY AFTER THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

None.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

MARY ANN SCHOULTZ expressed concern about activity at the skate park, such as users not wearing helmets and pads; near accidents involving skateboarders, bikers and scooters/razors; and numerous users at one time; she spoke in support of supervision of the skate park; and she noted damage to a fence adjacent to the skate park and alley.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1 - 2.4)

MOTION BY MCCOY, SECOND BY ROSE , TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.4. MOTION CARRIED UNANIMOUSLY.

A corrected page 5 of the November 17, 2010 minutes (Item No. 2.1) was submitted as Last Minute Agenda Information.

2.1 MINUTES.

Approved the minutes of the Regular City Council Meeting of November 17, 2010, as corrected.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 72098 through 72172 with the subtotal amount of \$641,455.76 and Payroll Checks 43326 through 43364 for the pay period ending 11/04/10 with the subtotal amount of \$147,427.68, for a total amount of \$788,883.44.

2.3 RESOLUTION NO. 2010-6972 – ADOPTING, AFFIRMING, AND INCORPORATING BY REFERENCE THE STANDARD CONFLICT OF INTEREST PROVISIONS OF 2 CALIFORNIA CODE OF REGULATIONS SECTION 18730 AND ADOPTING AMENDED AND UPDATED APPENDICES TO THE CONFLICT OF INTEREST CODE OF THE CITY OF IMPERIAL BEACH. (0410-95 & 0420-95)

Adopted resolution.

2.4 LOCAL APPOINTMENTS LIST. (0460-45)

Approved the Local Appointments List in compliance with Government Code §54972, and authorize the City Clerk to post said list at City Hall and the Library in compliance with Government Code §54973.

REPORTS (6.3)

6.3 AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$274,750 FOR THE PREPARATION OF ZONING ORDINANCE AMENDMENTS, GENERAL PLAN AMENDMENTS AND THE ENVIRONMENTAL IMPACT REPORT ASSOCIATED WITH ADOPTION OF THE COMMERCIAL ZONING REVIEW RECOMMENDATIONS OF THE CITY COUNCIL. (0610-95)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported on the item.

MOTION BY MCCOY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. R-10-238 – AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH AECOM FOR PLANNING AND ENVIRONMENTAL PLANNING CONSULTANT SERVICES TO PREPARE AND PROCESS THE ZONING AND GENERAL PLAN AMENDMENTS AND THE ASSOCIATED ENVIRONMENTAL IMPACT REPORT TO ADOPT THE COMMERCIAL ZONING REVIEW RECOMMENDATIONS. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 ORDINANCE NO. 2010-1112 – UPDATING CHAPTER 8.32 AMENDING THE CITY'S STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) TO INCLUDE CRITERIA FOR HYDROMODIFICATION MANAGEMENT. (0770-85)

CITY MANAGER BROWN reported on the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2010-1112.

CITY CLERK HALD read the title of Ordinance No. 2010-1112, "An Ordinance of the City Council of the City of Imperial Beach, California, UPDATING CHAPTER 8.32 AMENDING THE CITY'S STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) TO INCLUDE CRITERIA FOR HYDROMODIFICATION MANAGEMENT."

MOTION BY MCCOY, SECOND BY ROSE, TO DISPENSE WITH SECOND READING AND ADOPT ORDINANCE NO. 2010-1112 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING, ADOPTION & PUBLIC HEARING (4.2 - 4.3)

4.2 ORDINANCE NO. 2010-1113 – ADOPTING THE MODEL CODES CONTAINED IN THE 2010 CALIFORNIA BUILDING STANDARDS CODE (CBSC), PART OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS AND THE ADOPTION OF THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, INCLUDING LOCAL AMENDMENTS FOR THE CITY OF IMPERIAL BEACH. (0710-95)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN reported on the item.

The public hearing was closed.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2010-1113.

CITY CLERK HALD read the title of Ordinance No. 2010-1113, "An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING TITLES 8 AND 15 OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING CHAPTERS 8.50, 15.06, 15.16, 15.28, AND 15.32, ADDING CHAPTERS 15.02, 15.04, 15.38, AND 15.40 AND REPEALING CHAPTERS 8.88, 15.18, AND 15.36, ALL BY ADOPTING THE CALIFORNIA BUILDING STANDARDS CODE, 2010 EDITION, WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS, AND ADOPTING THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION."

MOTION BY MCCOY, SECOND BY ROSE, TO DISPENSE WITH SECOND READING AND ADOPT ORDINANCE NO. 2010-1113 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

4.3 ORDINANCE NO. 2010-1114 – AMENDING CHAPTER 5.20 OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADOPTING THE CALIFORNIA FIRE CODE, 2010 EDITION, AND 2009 INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS. (0710-95)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN reported on the item.

MAYOR JANNEY closed the public hearing and called for the reading of the title of Ordinance No. 2010-1114.

CITY CLERK HALD read the title of Ordinance No. 2010-1114, "An Ordinance of the City Council of the City of Imperial Beach, California, AMENDING CHAPTER 5.20 OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADOPTING THE CALIFORNIA FIRE CODE, 2010 EDITION, AND 2009 INTERNATIONAL FIRE CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS."

MOTION BY MCCOY, SECOND BY ROSE, TO DISPENSE WITH SECOND READING AND ADOPT ORDINANCE NO. 2010-1114 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.1 - 6.2)

6.1 RESOLUTION NO. 2010-6971 – FINDING AND DECLARING THAT WEEDS, BRUSH, RUBBISH AND REFUSE UPON OR IN FRONT OF SPECIFIED PROPERTIES IN THE CITY ARE A SEASONAL AND RECURRENT PUBLIC NUISANCE, AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF AND SCHEDULE A WEED AND RUBBISH ABATEMENT PUBLIC HEARING TO HEAR OBJECTIONS ON DECEMBER 15, 2010 FOR THE PROPERTIES LOCATED AT 715 HOLLY AVENUE AND 822 GEORGIA STREET. (0470-20)

CITY MANAGER BROWN introduced the item.

CODE COMPLIANCE OFFICER GARCIAS gave a PowerPoint presentation on the item; and responded to questions of Council regarding assessments against properties and how the City recovers its money; attempts at locating the owner of the property at 715 Holly Ave.; and about an abandoned vehicle located at 715 Holly Ave.

MOTION BY MCCOY, SECOND BY ROSE , TO ADOPT RESOLUTION NO. 2010-6971 – FINDING AND DECLARING THAT WEEDS, BRUSH, RUBBISH AND REFUSE UPON OR IN FRONT OF SPECIFIED PROPERTIES IN THE CITY ARE A SEASONAL AND RECURRENT PUBLIC NUISANCE, AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF AND SCHEDULE A WEED AND RUBBISH ABATEMENT PUBLIC HEARING TO HEAR OBJECTIONS ON DECEMBER 15, 2010 FOR THE PROPERTIES LOCATED AT 715 HOLLY AVENUE AND 822 GEORGIA STREET. MOTION CARRIED UNANIMOUSLY.

6.2 NEW STREET BANNERS. (0160-40 & 0720-10)

CITY MANAGER BROWN reported on the item

PUBLIC WORKS DIRECTOR LEVIEN and REDEVELOPMENT ASSISTANT PROJECT MANAGER CUMMING displayed the banner designs via PowerPoint presentation.

City Council reviewed the proposed banner designs.

CONSENSUS OF CITY COUNCIL AS FOLLOWS:

- **FIRST BANNER (SUN): CHANGE THE PHOTO IMAGE TO A SKATER**
- **SECOND BANNER (SAND): APPROVED AS PRESENTED**
- **THIRD BANNER (SURF): CHANGE THE PHOTO IMAGE TO ONE THAT CLEARLY INDICATES A SURFER**
- **FOURTH (LIFE): APPROVED AS PRESENTED**
- **FIFTH (WALK): APPROVED AS PRESENTED**

CITY COUNCIL FURTHER DIRECTED STAFF TO CONSIDER LOCAL BIDS THAT ARE OF EQUAL PRICE AND QUALITY PRODUCT.

PUBLIC HEARINGS (5.1)

5.1 APPROVING AN ADDENDUM TO THE FEIR AND A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE IMPERIAL BEACH REDEVELOPMENT AGENCY AND IMPERIAL COAST, L.P., AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH DISPOSITION AND DEVELOPMENT AGREEMENT. (0660-43)

COUNCILMEMBER BRAGG had a potential conflict of interest on the item due to the location of her employment, and she left Council Chambers at 6:47 p.m.

The following documents were submitted as last Minute Agenda Information:

- a. Revised Attachment No. 1 to DDA: Site Map
- b. Attachment 10 – Exhibit B to DDA: Site Map

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the item.

CITY CLERK HALD announced no speaker slips were submitted.

COMMUNITY DEVELOPMENT DIRECTOR WADE responded to questions of Council regarding buyback cost; and noted that if financing were in place and the building permit issued, the construction can begin as early as the beginning of next year; the agreement helps ensure protection against any possibility of having a vacant property; he also spoke of provisions that it must operate as a hotel.

ALLISON ROLFE, Project Manager for Pacifica, spoke about the specialized marketing that will take place to attract people to the hotel; stated that the hotel has yet to be named; reported on the financing status of the hotel; and thanked staff for their efforts.

Discussion ensued regarding the obstacles faced to get to this achievement and how the hotel would be an economic stimulus for the City.

MAYOR JANNEY closed the public hearing.

MOTION BY MCCOY, SECOND BY ROSE, TO ADOPT CITY COUNCIL RESOLUTION NO. 2010-6970 – APPROVING AN ADDENDUM TO THE FEIR AND A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE IMPERIAL BEACH REDEVELOPMENT AGENCY AND IMPERIAL COAST, L.P., AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH DISPOSITION AND DEVELOPMENT AGREEMENT.

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, ROSE, KING, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	BRAGG (DUE TO A POTENTIAL CONFLICT OF INTEREST)

MOTION BY MCCOY, SECOND BY ROSE, TO ADOPT REDEVELOPMENT AGENCY RESOLUTION NO. R-10-237 – APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF IMPERIAL BEACH AND IMPERIAL COAST, L.P., AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH DISPOSITION AND DEVELOPMENT AGREEMENT. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, ROSE, KING, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	BRAGG (DUE TO A POTENTIAL CONFLICT OF INTEREST)

MAYOR JANNEY expressed appreciation to Councilmember Rose and Councilmember McCoy for their years of dedicated service to the City of Imperial Beach.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 7:30 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk